



RAVALLI COUNTY ATTORNEY

George H. Corn, County Attorney
T. Geoffrey Mahar, Chief Deputy
John Bell, Deputy
Karen Mahar, Deputy
William E. Fulbright, Deputy
Alex Beal, Deputy

Ravalli County Courthouse
205 Bedford, Suite C
HAMILTON, MT 59840-2853
Phone (406) 375-6750
Fax (406) 375-6731

RECEIVED

APR 06 2007

Ravalli County Commissioners

April 9, 2007

David A. Schlechten
AIA & Associates
PO Box 1027
Hamilton, MT 59840

Dear Mr. Schlechten,

I am writing you on behalf of the Ravalli County Board of County Commissioners in regard to the Air Operations Building at the Ravalli County Airport. This letter specifically concerns the Energy Star rating of the building. The Solicitation for Offers provided by the USDA Forest Service required in § 6.2B that "[a]ll new construction shall achieve an ENERGY STAR Building Label within 1 year of 95% occupancy..." Your letter of 2-18-05 to the Commissioners notes this and asked for utility bills so that you could "finalize the energy star requirements." I am not aware that you have completed the process to have the building certified as an ENERGY STAR building.

Since that time, representatives of Ravalli County have brought to your attention that the cooling system that you have installed is inadequate for the building. Your response of 8-1-06 was that a thermostat needed to be moved. It is our position that is not a sufficient solution to this problem. As the attached documents show, both Anderson's and Temp Right have advised us that our current cooling capacity is insufficient. Because you have not completed the process to certify the building as ENERGY STAR compliant, and given that the estimates imply that the building cannot be currently certified as such, it is our position that you have not complied with the terms of our agreement, and are in fact in breach of contract.

We would like to give you the chance to rectify the situation, but time is of the essence in this matter. Summer will be here soon, and the unbearable temperatures will return to the building. As such, we are giving you until May 11, 2007 to present a proposal on how you will retrofit the building to comply with the original contract. Otherwise, we will proceed with one of the enclosed proposals, and seek repayment from you for the cost.

Sincerely,

Alex Beal
Deputy Ravalli County Attorney

Cc: BCC